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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

CARRIE A. MARTIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:07-cv-00309-BES-RAM
	)	
UNICARE LIFE AND HEALTH	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**AGREED HIPAA QUALIFIED PROTECTIVE ORDER**

The parties, pursuant to Federal Rule of Civil Procedure 26(c), 45 C.F.R. §164.512 and District of Nevada Local Rules 6-2 and 7-1, have agreed, and this Court finds, that good cause exists for the entry of a Protective Order to prevent the unauthorized disclosure and to direct the use of protected health information during the course of this litigation.

Accordingly, IT IS HEREBY ORDERED:

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1           1) All documents produced by the parties to this litigation shall be produced  
2 subject to the conditions of this Order.

3           2) During the course of this litigation, the parties recognize it may be  
4 necessary to disclose or use “protected health information” of the Plaintiff Carrie A.  
5 Martin (“Martin”), as that term is defined under the Health Insurance Portability and  
6 Accountability Act (“HIPAA”) and the Federal Regulations enacted pursuant to said Act.

7           3) This Order shall apply to any documents produced or used by a party or a  
8 covered entity (as defined by 45 C.F.R. §160.103) in this litigation, including requests to  
9 produce or subpoenas for protected health information.

10           4) All protected health information disclosed or used by any party or covered  
11 entities shall be used for the sole purpose of preparing for or conducting this litigation,  
12 including, but not limited to, motions, briefs, discovery, depositions, trial preparation or  
13 trial and shall not be disclosed or revealed to anyone not authorized by this Protective  
14 Order.

15           5) Protected health information may be disclosed by any covered entity,  
16 health care provider, managed care entity, insurer, party, party’s expert, or party’s  
17 attorney without further notice to the following:

18                   (a) Counsel for the respective parties to this litigation, their  
19 employees, parties to the litigation, and employees of counsel who  
20 are assisting in the prosecution or defense of this litigation;

21                   (b) Experts and consultants (and their employees and clerical  
22 assistants) who are employed, retained or otherwise consulted by  
23 counsel of the parties to assist in any way in the preparation and  
24 trial of this litigation;

25                   (c) Treating physicians;

26                   (d) Other health care providers;

27                   (e) Liability insurers of any of the parties involved in the litigation.  
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6) The parties and each entity governed by this Order shall either (a) destroy or (b) return to the entity who originally produced it, all protected health information including all copies made, provided, however, the said protected health information may be retained in the files of the law firms handling this litigation and may be destroyed pursuant to their regular file retention policies so long as the protected health information is maintained in a secure environment.

7) This Protective Order shall survive the final conclusion of this litigation and shall continue in full force and effect and the Court shall retain jurisdiction to enforce this Protective Order.

8) This Order does not change or affect notice and other procedural requirements of the Federal Rules of Civil Procedure.

Agreed as to form and content this 1st day of November, 2007.

UNICARE LIFE AND HEALTH  
INSURANCE COMPANY

CARRIE A. MARTIN

BY: /s/ Dan J. Hofmeister, Jr.

BY: /s/ Matthew L. Sharp

One of Its Attorneys

Her Attorney

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IT IS SO ORDERED



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UNITED STATES MAGISTRATE JUDGE

DATED: November 1, 2007

NGEDOCs: 1471708.2